



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 6715-99
1 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 2 July 1991 at the age of 19. On 17 January 1992 you self-referred for drug abuse and were diagnosed as being psychologically poly drug dependent. Accordingly, you were recommended for an administrative separation due to drug abuse. You were also recommended to attend alcohol anonymous (AA) meetings four times a week and to undergo frequent urinalysis checks until you were discharged. However, on 24 January 1992 your urine tested positive for marijuana and on 19 February 1992 your urine tested positive for amphetamines and methamphetamines. Approximately a month later you were notified of pending administrative separation action under honorable conditions by reason of misconduct due to drug abuse and commission of a serious offense. At this time you waived your rights to consult with legal counsel and to submit a written statement in rebuttal to the separation.

Your record shows that on 3 April 1992 you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty and three specifications of uttering worthless checks totalling \$733.76. The punishment imposed was \$169.54

forfeiture of pay and restriction and extra duty for 14 days. On 10 April 1992 you were notified of pending administrative separation action by reason of misconduct due to drug abuse and commission of a serious offense. At this time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct and that your discharge be delayed so that you could participate as a witness in the adjudication of two other cases. Your commanding officer also noted that you had committed further misconduct, although the offenses were not specified. On 23 April 1992 the discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge. On 5 May 1992 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent drug related misconduct. Given all the circumstances of your case, the Board concluded the your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director